

IN THE SENATE

SENATE BILL NO. 1421

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR LEGAL SUFFICIENCY REVIEWS RELATING TO PETITIONS TO ESTABLISH NEW PUBLIC CHARTER SCHOOLS INCLUDING PUBLIC VIRTUAL SCHOOLS, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL NOTIFY THE BOARD OF THE DISTRICT WHERE THE PUBLIC CHARTER SCHOOL WILL BE LOCATED THAT A PETITION HAS BEEN SUBMITTED AND SHALL MAKE CERTAIN TRAINING AVAILABLE, TO CLARIFY THAT PETITION SUBMISSIONS SHALL OCCUR FOLLOWING LEGAL SUFFICIENCY REVIEWS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public charter school, including a public virtual school, shall first be submitted to the state department of education for a legal sufficiency review for the purpose of determining whether the petition was prepared in accordance with subsection (3) of this section.

(c) Not later than fifteen (15) days after completing the legal sufficiency review of a petition to establish a new public charter school, with the exception of a public virtual school, the state department of education shall notify the board of the district in which the proposed public charter school will be physically located, that a petition has been submitted, and shall make training available to such school district regarding the authorizing process and responsibilities of an authorized chartering entity.

(d) Following the legal sufficiency review: A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

1 (ee) The board of trustees may either: (i) consider the petition and
2 approve the charter; or (ii) consider the petition and deny the charter;
3 or (iii) refer the petition to the public charter school commission, but
4 such referral shall not be made until the local board has documented its
5 due diligence in considering the petition. Such documentation shall be
6 submitted with the petition to the public charter school commission. If
7 the petitioners and the local board of trustees have not reached mutual
8 agreement on the provisions of the charter, after a reasonable and good
9 faith effort, within sixty (60) days from the date the charter petition
10 is received, the petitioners may withdraw their petition from the local
11 board of trustees and may submit their charter petition to the public
12 charter school commission, provided it is signed by thirty (30) quali-
13 fied electors as required by subsection (1) (a) of this section. Docu-
14 mentation of the reasonable and good faith effort between the petition-
15 ers and the local board of trustees must be submitted with the petition
16 to the public charter school commission.

17 (df) The public charter school commission may either: (i) consider the
18 petition and approve the charter; or (ii) consider the petition and deny
19 the charter.

20 (eg) A petition to convert an existing traditional public school shall
21 be submitted to the board of trustees of the district in which the school
22 is located for review and approval. The petition shall be signed by
23 not fewer than sixty percent (60%) of the teachers currently employed
24 by the school district at the school to be converted, and by one (1) or
25 more parents or guardians of not fewer than sixty percent (60%) of the
26 students currently attending the school to be converted. Each petition
27 submitted to convert an existing school or to establish a new charter
28 school shall contain a copy of the articles of incorporation and the
29 bylaws of the nonprofit corporation, which shall be deemed incorporated
30 into the petition.

31 (2) Not later than sixty (60) days after receiving a petition signed
32 by thirty (30) qualified electors as required by subsection (1) (a) of this
33 section, the authorized chartering entity shall hold a public hearing for
34 the purpose of discussing the provisions of the charter, at which time the
35 authorized chartering entity shall consider the merits of the petition and
36 the level of employee and parental support for the petition. In the case of
37 a petition submitted to the public charter school commission, such public
38 hearing must be not later than sixty (60) days after receipt of the petition,
39 which may be extended to ninety (90) days if both parties agree to an exten-
40 sion. ~~In the case of a petition for a non virtual public charter school sub-~~
41 ~~mitted to the public charter school commission, the board of the district in~~
42 ~~which the proposed public charter school will be physically located, shall~~
43 ~~be notified of the hearing in writing, by the public charter school commis-~~
44 ~~sion, no less than thirty (30) days prior to the public hearing.~~

45 In the case of a petition for a public virtual charter school, if the
46 primary attendance area described in the petition of a proposed public vir-
47 tual charter school extends within the boundaries of five (5) or fewer local
48 school districts, the public charter school commission shall provide notice
49 in writing of the public hearing no less than thirty (30) days prior to such
50 public hearing to those local school districts. Such public hearing shall

1 include any oral or written comments that an authorized representative of
2 the local school districts may provide regarding the merits of the petition
3 and any potential impacts on the school districts.

4 In the case of a petition for a non-virtual public charter school sub-
5 mitted to the public charter school commission, the board of the district in
6 which the proposed public charter school will be physically located, shall
7 be notified of the hearing in writing, by the public charter school commis-
8 sion, no less than thirty (30) days prior to the public hearing. Such public
9 hearing shall include any oral or written comments that an authorized repre-
10 sentative of the school district in which the proposed public charter school
11 would be physically located may provide regarding the merits of the petition
12 and any potential impacts on the school district. The hearing shall include
13 any oral or written comments that petitioners may provide regarding any po-
14 tential impacts on such school district. If the school district chooses not
15 to provide any oral or written comments as provided for in this subsection
16 (2), such school district shall notify the public charter school commission
17 of such decision. Following review of any petition and any public hearing
18 provided for in this section, the authorized chartering entity shall either
19 approve or deny the charter within sixty (60) days after the date of the pub-
20 lic hearing, provided however, that the date may be extended by an additional
21 sixty (60) days if the petition fails to contain all of the information re-
22 quired in this section, or if both parties agree to the extension. This pub-
23 lic hearing shall be an opportunity for public participation and oral pre-
24 sentation by the public. This hearing is not a contested case hearing as de-
25 scribed in chapter 52, title 67, Idaho Code.

26 (3) An authorized chartering entity may approve a charter under the
27 provisions of this chapter only if it determines that the petition contains
28 the requisite signatures, the information required by subsections (4)
29 and (5) of this section, and additional statements describing all of the
30 following:

31 (a) The proposed educational program of the public charter school, de-
32 signed among other things, to identify what it means to be an "educated
33 person" in the twenty-first century, and how learning best occurs. The
34 goals identified in the program shall include how all educational thor-
35 oughness standards as defined in section 33-1612, Idaho Code, shall be
36 fulfilled.

37 (b) The measurable student educational standards identified for use
38 by the public charter school. "Student educational standards" for the
39 purpose of this chapter means the extent to which all students of the
40 public charter school demonstrate they have attained the skills and
41 knowledge specified as goals in the school's educational program.

42 (c) The method by which student progress in meeting those student edu-
43 cational standards is to be measured.

44 (d) A provision by which students of the public charter school will be
45 tested with the same standardized tests as other Idaho public school
46 students.

47 (e) A provision which ensures that the public charter school shall be
48 state accredited as provided by rule of the state board of education.

49 (f) The governance structure of the public charter school including,
50 but not limited to, the person or entity who shall be legally account-

1 able for the operation of the public charter school, and the process to
2 be followed by the public charter school to ensure parental involve-
3 ment.

4 (g) The qualifications to be met by individuals employed by the pub-
5 lic charter school. Instructional staff shall be certified teachers as
6 provided by rule of the state board of education.

7 (h) The procedures that the public charter school will follow to ensure
8 the health and safety of students and staff.

9 (i) A plan for the requirements of section 33-205, Idaho Code, for the
10 denial of school attendance to any student who is an habitual truant, as
11 defined in section 33-206, Idaho Code, or who is incorrigible, or whose
12 conduct, in the judgment of the board of directors of the public charter
13 school, is such as to be continuously disruptive of school discipline,
14 or of the instructional effectiveness of the school, or whose presence
15 in a public charter school is detrimental to the health and safety of
16 other pupils, or who has been expelled from another school district in
17 this state or any other state.

18 (j) Admission procedures, including provision for overenrollment.
19 Such admission procedures shall provide that the initial admission
20 procedures for a new public charter school, including provision for
21 overenrollment, will be determined by lottery or other random method,
22 except as otherwise provided herein. If initial capacity is insuf-
23 ficient to enroll all pupils who submit a timely application, then
24 the admission procedures may provide that preference shall be given
25 in the following order: first, to children of founders, provided
26 that this admission preference shall be limited to not more than ten
27 percent (10%) of the capacity of the public charter school; second,
28 to siblings of pupils already selected by the lottery or other random
29 method; and third, an equitable selection process such as by lottery
30 or other random method. If so stated in its petition, a new public
31 charter school may include the children of full-time employees of the
32 public charter school within the first priority group subject to the
33 limitations therein. Otherwise, such children shall be included in the
34 third priority group. If capacity is insufficient to enroll all pupils
35 for subsequent school terms, who submit a timely application, then
36 the admission procedures may provide that preference shall be given in
37 the following order: first, to pupils returning to the public charter
38 school in the second or any subsequent year of its operation; second, to
39 children of founders, provided that this admission preference shall be
40 limited to not more than ten percent (10%) of the capacity of the public
41 charter school; third, to siblings of pupils already enrolled in the
42 public charter school; and fourth, an equitable selection process such
43 as by lottery or other random method. There shall be no carryover from
44 year to year of the list maintained to fill vacancies. A new lottery
45 shall be conducted each year to fill vacancies which become available.
46 If so stated in its petition, a public charter school may include the
47 following children within the second priority group subject to the
48 limitations therein:

49 (i) The children of full-time employees of the public charter
50 school;

1 (ii) Children who previously attended the public charter school
2 within the previous three (3) school years, but who withdrew as a
3 result of the relocation of a parent or guardian due to an academic
4 sabbatical, employer or military transfer or reassignment.

5 Otherwise, such children shall be included in the fourth priority
6 group.

7 (k) The manner in which an annual audit of the financial and program-
8 matic operations of the public charter school is to be conducted.

9 (l) The disciplinary procedures that the public charter school will
10 utilize, including the procedure by which students may be suspended,
11 expelled and reenrolled, and the procedures required by section 33-210,
12 Idaho Code.

13 (m) A provision which ensures that all staff members of the public
14 charter school will be covered by the public employee retirement
15 system, federal social security, unemployment insurance, worker's
16 compensation insurance, and health insurance.

17 (n) The public school attendance alternative for students residing
18 within the school district who choose not to attend the public charter
19 school.

20 (o) A description of the transfer rights of any employee choosing to
21 work in a public charter school that is approved by the board of trustees
22 of a school district, and the rights of such employees to return to any
23 noncharter school in the same school district after employment at such
24 charter school.

25 (p) A provision which ensures that the staff of the public charter
26 school shall be considered a separate unit for purposes of collective
27 bargaining.

28 (q) The manner by which special education services will be provided to
29 students with disabilities who are eligible pursuant to the federal in-
30 dividuals with disabilities education act, including disciplinary pro-
31 cedures for these students.

32 (r) A plan for working with parents who have students who are dually en-
33 rolled pursuant to section 33-203, Idaho Code.

34 (s) The process by which the citizens in the area of attendance shall
35 be made aware of the enrollment opportunities of the public charter
36 school.

37 (t) A proposal for transportation services as required by section
38 33-5208(4), Idaho Code.

39 (u) A plan for termination of the charter by the board of directors, to
40 include:

41 (i) Identification of who is responsible for dissolution of the
42 charter school;

43 (ii) A description of how payment to creditors will be handled;

44 (iii) A procedure for transferring all records of students with
45 notice to parents of how to request a transfer of student records
46 to a specific school; and

47 (iv) A plan for the disposal of the public charter school's as-
48 sets.

49 (4) The petitioner shall provide information regarding the proposed
50 operation and potential effects of the public charter school including, but

1 not limited to, the facilities to be utilized by the public charter school,
2 the manner in which administrative services of the public charter school
3 are to be provided and the potential civil liability effects upon the public
4 charter school and upon the authorized chartering entity.

5 (5) At least one (1) person among a group of petitioners of a prospec-
6 tive public charter school shall attend a public charter school workshop
7 offered by the state department of education. The state department of
8 education shall provide notice of dates and locations when workshops will
9 be held, and shall provide proof of attendance to workshop attendees. Such
10 proof shall be submitted by the petitioners to an authorized chartering
11 entity along with the charter petition.

12 (6) The public charter school commission may approve a charter for a
13 public virtual school under the provisions of this chapter only if it deter-
14 mines that the petition contains the requirements of subsections (3) and (4)
15 of this section and the additional statements describing the following:

16 (a) The learning management system by which courses will be delivered;

17 (b) The role of the online teacher, including the consistent availabil-
18 ity of the teacher to provide guidance around course material, methods
19 of individualized learning in the online course and the means by which
20 student work will be assessed;

21 (c) A plan for the provision of professional development specific to
22 the public virtual school environment;

23 (d) The means by which public virtual school students will receive ap-
24 propriate teacher-to-student interaction, including timely, frequent
25 feedback about student progress;

26 (e) The means by which the public virtual school will verify student at-
27 tendance and award course credit. Attendance at public virtual schools
28 shall focus primarily on coursework and activities that are correlated
29 to the Idaho state thoroughness standards;

30 (f) A plan for the provision of technical support relevant to the deliv-
31 ery of online courses;

32 (g) The means by which the public virtual school will provide opportu-
33 nity for student-to-student interaction; and

34 (h) A plan for ensuring equal access to all students, including the pro-
35 vision of necessary hardware, software and internet connectivity re-
36 quired for participation in online coursework.